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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/915,351	07/27/2001	Toshiyuki Murata	107156-00073	7210

7590 01/29/2004

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EXAMINER

CHAU, COREY P

ART UNIT	PAPER NUMBER
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2644

DATE MAILED: 01/29/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/915,351

Applicant(s)

MURATA ET AL.

Examiner

Corey P Chau

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07/27/01.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07/27/01 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S.

Patent No. to Endoh et al. (hereinafter referred to as Endoh).

3. Regarding Claim 1, Endoh discloses reproducing system (i.e. audio reproducing device for reproducing audio information) (Fig. 4) comprising a RAM section that stores reproduced data by a system processor section (i.e. storing device for storing frequency character information set corresponding to the sound stream) (i.e. Fig. 4, reference 56; column 12, line 66 to column 13, line 17); the system processor section process the stored reproduced data and sorts the data into video data, audio data, and sub-picture data (i.e. discriminating device for discriminating sound stream contained in the audio information) (Fig. 4, reference 54; column 12, line 66 to column 13, line 17); a key/display section to display a playback mode where a user can enter selection from the key/display section to produce transmitted audio data according to the choice the user selected (i.e. renewing device for renewing the frequency character information) (Fig. 3, references 164 and 169; Fig. 4, reference 4; column 11, lines 13-21; column 5, lines 33-46); and a control circuit that receives input selection and supplies a signal to

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output the audio information (i.e. control device) (Fig 3, reference 168; column 9, lines 19-45).

4. Regarding Claim 2, Endoh discloses an audio code mode (acmod) of a bit stream information BSI (i.e. character storing device), where the contents of channels are displayed, where mode representation enables the reproduction of special use according to the user's liking (i.e. selecting device) (column 29, line 54 to column 30, line 40).

5. Regarding Claim 3, Endoh discloses attribute of an audio stream which are audio coding mode, audio type, audio application ID, quantization, sampling frequency, and the number of audio channels (i.e. discriminating device is provided to discriminate, as a sound stream, one or more of audio coding mode, quantization, sampling frequency and the number of audio channels) (Fig. 27; column 21, lines 35-65).

6. Regarding Claim 4, Endoh discloses down-mixing process that is carried out based on mode and channel selections (i.e. discriminating device is adapted to effect an On/Off control of speakers, in accordance with an attribute of an audio stream) (Fig. 68; column 9, line 19 to column 10, 36).

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect to reproducing apparatus in general:

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U.S. Pat. 6377747 to Murase et al.

U.S. Pat. 5987417 to Heo et al.

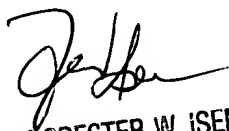
U.S. Pat. 5778142 to Taira et al.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corey P Chau whose telephone number is (703)305-0683. The examiner can normally be reached on Monday - Friday 9:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forester W Isen can be reached on (703)305-4386. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

January 26, 2004

  
FORESTER W. ISEN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2644